

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants : Kahle, et. al.

Appl. No. : 09/820,207

Filed : March 28, 2001

For : SUPPLEMENTATION OF WEB PAGES
WITH PRODUCT-RELATED
INFORMATION

Examiner : Michael Misiaszek

APPEAL BRIEF**Mail Stop Appeal Brief-Patents**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Appellants, Applicants in the above-captioned patent application, appeal the final rejection of Claims 45-65 and 86 set forth in the final Office Action issued on March 12, 2007 (hereinafter "the Final Office Action"). Please charge any additional fees that may be required now or in the future to Deposit Account No. 11-1410.

I. REAL PARTY IN INTEREST

The real party in interest in the present application is Alexa Internet, Inc.

II. RELATED APPEALS AND INTERFERENCES

No related appeals, interferences or other proceedings are pending.

III. STATUS OF CLAIMS

All of the pending claims, nos. 45-65 and 86, stand rejected and are being appealed. Claims 1-44 and 66-85 are canceled.

IV. STATUS OF AMENDMENTS

No amendments were made in response to the Final Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Claim 45 is the sole independent claim, and is summarized below with citations to corresponding portions of the originally-filed specification and drawings as required by 37 C.F.R. § 41.37(c)(1)(v). These citations are provided to illustrate specific examples and embodiments of the recited claim language, and are not intended to limit the claim. Unless indicated otherwise, the reference numbers below refer to components shown in Figure 1.

The claim is directed to a system for facilitating sharing of information between web users. The system comprises at least the following:

- a client program (124) that runs on user computers (124) in conjunction with web browsing software (122), and presents supplementary information associated with web pages accessed by users on said user computers; (see, e.g., page 2, lines 2-9; page 5, lines 6-19; and page 17, lines 3-11) and
- a data server (140) that communicates over a network (130) with the user computers (124) that run the client program (124), and sends said supplementary information to the user computers (120) for presentation by the client program (124), wherein the data server (140) interacts with the client program (124) to identify products described on particular web pages (110A, 110B); (see, e.g., page 2, lines 4-20; page 5, lines 16-23; page 8, lines 4-22; Fig. 7, blocks 702-706; page 19, lines 11-23; page 23, lines 10-15; and page 25, lines 3-11)

The client program (124) and data server (140) collectively implement a service in which (a) when a first user accesses a first web page that describes a first product (see, e.g., Figs. 2A and 2D), the first user is provided an option to complete and submit a form that requests at least one specific type of product-related information associated with the first product (see, e.g., page 5, lines 23-27; page 8, lines 26-30; page 9, line 21 to page 10, line 25; 264 in Fig. 2C; 310 in Fig. 3D; page 12, lines 3-13; 340 in Fig. 3H; page 14, line 29 to page 16, lines 12-25; Fig. 7B; page 21, line 7 to page 22, line 2; and page 26, lines 8-18), (b) after the first user completes and submits the form, as presented in association with the first web page, to submit product-related information associated with the first product, the submitted product-related information is stored on the data server in association with an identifier of the first product (see, e.g., page 5, lines 26-

31; page 12, lines 14-21; Fig. 3J, elements 354A and 354B; and page 27, lines 1-4), and (c) when a second user accesses a second web page identified by the service as describing said first product, the second user is provided an option to view at least the product-related information submitted by the first user, said option to view provided independently of whether the second user has selected the first product (see, e.g., page 6, line 23 to page 7, line 13; Figs. 3F, 3I and 3M; page 8, lines 1-3; page 10, line 26 to page 11, line 24; page 13, lines 17-25; page 20, line 11 to page 21, line 6; page 25, lines 17-26; and Fig. 9A, blocks 906 and 908).

The client program (124) and data server (140) thus collectively provide functionality for users to share product-related information across different web pages that describe a common product (see, e.g., page 9, lines 13-20. Note that the data server stores the user-submitted product-related information, and makes such information available for display, on a product-centric basis rather than a page-centric basis, and that this data is therefore shared across different web pages that describe the same product. See, e.g., Fig. 3J, elements 354A and 354B; page 27, lines 1-4; Fig. 7A, blocks 716-720; and page 20, line 27 to page 21, line 6.)

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The only ground for rejection to be reviewed on appeal is the rejection of Claims 45-65 under 35 U.S.C. § 103(a) as being unpatentable over RUSure.com web pages in view of Ng (U.S. Pat. 6,405,175) and Wright (U.S. Pat. 6,721,802).

Appellants submit that Claim 86, which depends from Claim 45 and was rejected over the combination of RUSure, Ng, Wright and Nachom (U.S. Pat. 7,972,856), properly stands or falls with Claim 45.

VII. ARGUMENT

For the reasons explained below, Appellants respectfully submit that the rejections are improper.

1. Rejection of Claims 45-65 over RUSure, Ng, and Wright

The rejection of Claims 45-65 is improper because RUSure, Ng, and Wright do not individually or collectively teach or suggest all of the limitations of these claims. Claim 45, and several of the dependent claims, are discussed below. By declining to submit arguments in favor of some

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dependent claims, Appellants do not imply an agreement with the positions taken in the Final Office Action with respect to such claims.

Independent Claim 45

Claim 45 reads as follows:

45. A system for facilitating sharing of information between web users, the system comprising:

a client program that runs on user computers in conjunction with web browsing software, and presents supplementary information associated with web pages accessed by users on said user computers; and

a data server that communicates over a network with the user computers that run the client program, and sends said supplementary information to the user computers for presentation by the client program, wherein the data server interacts with the client program to identify products described on particular web pages;

wherein the client program and data server collectively implement a service in which (a) when a first user accesses a first web page that describes a first product, the first user is provided an option to complete and submit a form that requests at least one specific type of product-related information associated with the first product, (b) after the first user completes and submits the form, as presented in association with the first web page, to submit product-related information associated with the first product, the submitted product-related information is stored on the data server in association with an identifier of the first product, and (c) when a second user accesses a second web page identified by the service as describing said first product, the second user is provided an option to view at least the product-related information submitted by the first user, said option to view provided independently of whether the second user has selected the first product;

whereby the client program and data server collectively provide functionality for users to share product-related information across different web pages that describe a common product.

The Final Office Action asserts that it would have been obvious to modify RUSure to include certain features of Ng and Wright, and that the result would have been a system as described in Claim 45. For the reasons explained below, Appellants respectfully disagree.

RUSure was apparently a service that used a browser plug-in to monitor the browsing/shopping activities of users. When a user would select a particular product from a

merchant's web site, the service would open a comparison window showing the prices charged by other online merchants for this product, as determined through real-time searches.

The RUSure service apparently did not provide functionality for users to submit or share product-related information as claimed. In connection with this deficiency, the Final Office Action points to Ng. Ng discloses a system in which a user can submit product information to a product database using a web form, and in which other users can thereafter locate the submitted information by conducting searches. Although Ng discloses a mechanism for users to share product-related information, this mechanism is very different from that of Claim 45, and is not the type of mechanism one would consider adding to the RUSure service. Specifically, in Ng's system, a user wishing to submit information about a particular product would have to visit Ng's web site; and a user wishing to view this submitted information would apparently have to search for the product on this same web site. Nothing in the art of record suggests adding such an information sharing mechanism to RUSure.

Moreover, even if Ng's product sharing mechanism were added to RUSure, the combined system would not operate as described in Claim 45. For example, the combined system would not include the following feature: "(a) when a first user accesses a first web page that describes a first product, the first user is provided an option to complete and submit a form that requests at least one specific type of product-related information associated with the first product." Instead, a user wishing to submit information about a particular product would presumably have to browse to a data entry form, such as the form shown in Figure 3 of Ng, on a web site associated with the product information service. Nothing in the art of record suggests otherwise. The claimed invention overcomes this deficiency by providing the option to submit information about a product when the user accesses a web page that describes the product.

The addition of Wright to the combined system of RUSure and Ng would not overcome this deficiency. According to the Final Office Action, Wright teaches that it was known for users to share product-related information across different web pages and sites that describe a common product. Final Office Action at page 4, second paragraph, citing col. 2, lines 10-27 of Wright. The referenced portion of Wright, however, does not disclose any such feature. To the contrary, the referenced portion of Wright describes a process by which a user can set up an auction on an

auction site. As with Ng, this process involves using a form to submit product information to a central database. Thus, even if the identified feature of Wright were added to the combined system of RUSure and Ng, the system still would not include at least the following feature: “(a) when a first user accesses a first web page that describes a first product, the first user is provided an option to complete and submit a form that requests at least one specific type of product-related information associated with the first product.”

In view of the foregoing, Appellants respectfully submit that RUSure, Ng and Wright do not individually or collectively teach or suggest all of the limitations of Claim 45, and Appellants request that the rejection be reversed.

Dependent Claim 48

Claim 48 depends from Claim 47, which depends from Claim 45. Claims 47 and 48 read as follows:

47. The system of Claim 45, wherein the service includes a web page analyzer that analyzes content of web pages to evaluate whether the web pages include descriptions of products.

48. The system of Claim 47, wherein the web page analyzer is implemented, at least in part, within said client program.

The rejection of Claim 48 is improper in view of its indirect dependency from Claim 45. In addition, the rejection of Claim 48 is improper because the references do not teach or suggest a web page analyzer, as described in Claim 47, that is “implemented, at least in part, within said client program.” The Final Office Action asserts that the location of the claimed web page analyzer is merely a matter of design choice, and that using the user computers to perform this function does not solve any particular problem. Final Office Action at page 5. The Final Office Action does not, however, cite any references to support this assertion. Appellants also respectfully submit that the claimed feature *does* provide the important benefit of reducing the load on the data server.

The Final Office Action also asserts that RUSure and Ng disclose a web page analyzer implemented at least in part in the client program. The Final Office Action does not, however, point to any disclosure in RUSure or Ng that supports this assertion.

For these reasons, Appellants respectfully request reversal of the rejection of Claim 48.

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Dependent Claim 55

Claim 55 depends from Claim 45, and adds the following: “wherein the form requests, and includes a field for specifying, an identifier of a related product that is related to but different from the first product, such that users can post recommendations of related products to other users who access the web page.”

In connection with this claim, the Examiner takes Official Notice that “to provide this information is notoriously old and well known.” Final Office Action at page 6. Even if this assertion is accurate, however, it does not follow that it would have been obvious, in the context of the system of Claim 45, to include a form that “requests, and includes a field for specifying, an identifier of a related product that is related to but different from the first product, such that users can post recommendations of related products to other users who access the web page.” Indeed, providing such a form in the context of the system of Claim 45 would not have been obvious.

To the extent the Examiner may be asserting that the particular feature described in Claim 55 is old and well known (as opposed to merely asserting that it is generally old and well known to provide information about related products), Appellants also submit that the Examiner’s reliance on Office Notice is improper. In connection with this issue, MPEP 2144.03 states, in part, the following:

Official notice without documentary evidence to support an examiner's conclusion is permissible only in some circumstances. While "official notice" may be relied on, these circumstances should be rare when an application is under final rejection or action under 37 CFR 1.113. Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known.

In the present case, the Examiner has not supplied any documentary evidence to support the use of Official Notice. In addition, nothing in the record suggests that the officially noticed subject matter is “capable of instant and unquestionable demonstration as being well-known.” Thus, the Examiner’s reliance on Office Notice is improper.

In connection with this issue, the Final Office Action asserts that Appellants did not adequately traverse the use of Official Notice in the prior office action. Final Office Action at

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page 10. Appellants respectfully disagree, and submit that the following statement included in Appellants' response dated October 9, 2006 represented an adequate traversal:

For example, the art of record does not teach or suggest the following limitations added by Claim 55: "wherein the form requests, and includes a field for specifying, an identifier of a related product that is related to but different from the first product, such that users can post recommendations of related products to other users who access the web page." Applicants respectfully disagree with and challenge Examiner McAllister's assertion that this feature, and the features of Claims 56-58, 60, 61, and 63, are "old and well known."

For these reasons, the rejection of Claim 55 is improper and should be reversed.

Dependent Claim 63

Claim 63 depends from Claim 45, and adds the following: "wherein the client program additionally provides, separately from the web page, an option to add the first product to a virtual shopping cart, such that a user can add items to the virtual shopping cart across multiple web sites." None of the art of record suggests this feature.

In connection with this claim, the Final Office Action again relies on Official Notice, and asserts that "to provide such a shopping cart is notoriously old and well known." Final Office Action at page 7, last paragraph. Even if this assertion is accurate, however, it still would not have been obvious to provide a virtual shopping cart in the context of the system of Claim 45, particularly such that "a user can add items to the virtual shopping cart across multiple web sites."

To the extent the Examiner may be asserting that the particular feature described in Claim 63 is old and well known (as opposed to merely asserting that virtual shopping carts generally are old and well known), Appellants also submit that the Examiner's reliance on Official Notice is improper. In this regard, no documentary evidence has been provided to support the use of Official Notice; in addition, the subject matter described in Claim 63 is not "capable of instant and unquestionable demonstration as being well-known."

For the reasons explained above for Claim 55, Appellants also submit that they have adequately traversed and challenged the Examiner's prior use of Official Notice.

For these reasons, the rejection of Claim 63 is improper and should be reversed.

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VIII. CONCLUSION

For the reasons explained above, Appellants respectfully submit that the rejections of Claims 45-65 and 86 are improper, and request that these rejections be reversed.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: October 9, 2007

By: /RJS38297/

Ronald J. Schoenbaum
Reg. No. 38,297
Attorney of Record
2040 Main Street, 14th Floor
Irvine, CA 92614
(949) 721-2950

CLAIMS APPENDIX

1-44: (canceled)

45. A system for facilitating sharing of information between web users, the system comprising:

a client program that runs on user computers in conjunction with web browsing software, and presents supplementary information associated with web pages accessed by users on said user computers; and

a data server that communicates over a network with the user computers that run the client program, and sends said supplementary information to the user computers for presentation by the client program, wherein the data server interacts with the client program to identify products described on particular web pages;

wherein the client program and data server collectively implement a service in which (a) when a first user accesses a first web page that describes a first product, the first user is provided an option to complete and submit a form that requests at least one specific type of product-related information associated with the first product, (b) after the first user completes and submits the form, as presented in association with the first web page, to submit product-related information associated with the first product, the submitted product-related information is stored on the data server in association with an identifier of the first product, and (c) when a second user accesses a second web page identified by the service as describing said first product, the second user is provided an option to view at least the product-related information submitted by the first user, said option to view provided independently of whether the second user has selected the first product;

whereby the client program and data server collectively provide functionality for users to share product-related information across different web pages that describe a common product.

46. The system of Claim 45, wherein the client program provides a browser toolbar that displays an indication of whether a web page currently being viewed by a user includes a description of a product for which supplementary information is available from the data server.

47. The system of Claim 45, wherein the service includes a web page analyzer that analyzes content of web pages to evaluate whether the web pages include descriptions of products.

48. The system of Claim 47, wherein the web page analyzer is implemented, at least in part, within said client program.

49. The system of Claim 47, wherein the web page analyzer is implemented as a component of the data server.

50. The system of Claim 45, wherein the data server includes a database that associates web pages of a plurality of web sites with products described on said web pages, and uses said database to evaluate whether a web page being accessed by a user describes any products.

51. The system of Claim 50, further comprising a data generation module that automatically populates said database with data obtained from a computer-implemented analysis of web pages.

52. The system of Claim 45, wherein the form requests, and includes fields for user entry and submission of, a recommendation associated with the first product, such that users can post product-related recommendations for viewing by other users.

53. The system of Claim 52, wherein the service additionally provides functionality for users to cast votes in connection with product-related recommendations posted by other users, and to view tallies of votes cast in association with specific recommendations.

54. The system of Claim 52, wherein the form requests, and includes a field for user entry of, a web address associated with the recommendation.

55. The system of Claim 45, wherein the form requests, and includes a field for specifying, an identifier of a related product that is related to but different from the first product, such that users can post recommendations of related products to other users who access the web page.

56. The system of Claim 55, wherein the form additionally includes a field for specifying a web address associated with the related product.

57. The system of Claim 55, wherein the form additionally includes a field for specifying why the related product is recommended.

58. The system of Claim 55, wherein the form additionally prompts users to specify whether they have an interest in an associated recommendation of a related product.

59. The system of Claim 45, wherein the form requests, and includes a field for specifying, a web address associated with an online store from which the first product can be purchased, such that users can post recommendations of online stores for purchasing the first product.

60. The system of Claim 59, wherein the form additionally requests a description of why the online store is being recommended.

61. The system of Claim 59, wherein the form additionally prompts users to specify whether they have an interest in an associated recommendation of an online store.

62. The system of Claim 45, wherein the form prompts users to enter at least one of the following: (a) an identifier of an online store at which the first product is available for purchase; (b) an identifier of a second product that is related to the first product.

63. The system of Claim 45, wherein the client program additionally provides, separately from the web page, an option to add the first product to a virtual shopping cart, such that a user can add items to the virtual shopping cart across multiple web sites.

64. The system of Claim 45, wherein the service additionally displays links to auction web pages associated with the first product.

65. The system of Claim 45, wherein the client program and data server provide the service across a plurality of web sites, and the data server is separate from servers of said plurality of web sites.

66-85: (canceled)

86. The system of Claim 45, wherein the client program is configured to display the submitted product-related information to the second user in a display area that is superimposed over the second web page.

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EVIDENCE APPENDIX

None

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RELATED PROCEEDINGS APPENDIX

None